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EXAMINER
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DANG, KHANH NMN

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 11/18/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.



# Office Action Summary

Application No.

09/770,996

Applicant(s)

WARE, FREDERICK A.

Examiner

Khanh Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_



**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

Claims 10-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16, the essential structural cooperative relationships between the so-called "enabling circuit" and other recited elements in the claims have been omitted, such omission amounting to a gap between the necessary structural connections. MPEP 2172.01.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 17-23, 33-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Coyle et al.



It is first noted that similar claims will be grouped together to avoid repetition in explanation.

As broadly drafted, these claims do not define any structure/step that differs from Coyle et al. With regard to claims 6, 9, Coyle et al. discloses a system providing simultaneous bidirectional signaling using a bus topology, the system comprising: a first device (18/20 and SBI0 or MCU22, for example) operably coupled to a bus (SB12); a second device (IOP 1 or MEM 0) operably coupled to the bus (SB12), the first device (18/20 and SBI0 or MCU22) transmitting a first portion of a first set of data to the second device (IOP 1 or MEM 0) and the second device (IOP 1 or MEM 0) transmitting a second portion of the first set of data to the first device (18/20 and SBI0 or MCU22) simultaneously during a first exchange slot (slot position); and a third device (IOP2 or MEM 1, for example) operably coupled to the bus (SB12), the first device (18/20 and SBI0 or MCU22) transmitting a first portion of a second set of data to the third device (SBI2 or MEM 1, for example) and the third device (SBI2 or MEM 1, for example) transmitting a second portion of the second set of data to the first device (18/20 and SBI0 or MCU22, for example) simultaneously during a second exchange slot. With regard to claim 7, it is clear that there's always a delay in memory access. With regard to claim 8, it is clear that in Coyle et al., due to simultaneous transferring and buffers the so-called "turnaround delay" is less than twice an end-to end propagation delay of the bus. With regard to claim 9, as explained above, the so-called "first device" and "second device" can be "memory controller" and "memory device." With regard to claims 1-5, one using the device of Coyle et al. would have performed the same steps set forth in



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claims 1-5. With regard to claims 17-23, the system of Coyle et al., as explained above, is also a "memory system." With regard to claims 33-38, one using the system of Coyle et al. would have performed the same steps set forth in claims 33-38. See above explanation regarding claims 1-9. With regard to claim 39, see explanation regarding claims 1-9. Also note that the MCU22, as in any MCU, includes the so-called "scheduler."

Claims 10-16, 24-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamura et al.

It is first noted that similar claims will be grouped together to avoid repetition in explanation. It is also noted that it has been held that the recitation that an element is "capable of" (claim 10, line 3, for example) performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. It is also been held that the recitation that an element is "adapted to" (claims 14, 15, for example) perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

In any event, as broadly drafted, these claims do not define any structure/step that differs from Tamura et al. With regard to claim 10, Tamura et al. discloses a device coupled to a bus in a bus topology capable of simultaneous bi-directional signaling, the device comprising: a driver (201/301, for example) capable of additive signaling, said driver circuit applying transmit signals to the bus (202/302, for example); a receiver



circuit (shown in Fig. 12 or 13, for example) operably coupled to the driver, the receiver circuit capable of effectively subtracting the transmit signals to receive received signals from the bus, the driver and the receiver circuit operating during an exchange slot. With regard to claim 11, it is clear that each memory device is connected to the bus (transmission line) by its own impedance matching. With regard to claim 12, a terminator (761, 762, for example) operably coupled to the driver and the receiver circuit, the terminator providing a controlled termination impedance. With regard to claim 13, the signal transmission system (including buffers, 708, for example) of Tamura et al. is readable as "transmit circuit." With regard to claim 14, the device of Tamura et al also includes buffering stages (buffers 708, for example) or "a plurality of transmit buffers" With regard to claim 15, receiver circuit further comprises comparator (713, for example) operably coupled to the transmitter and to the driver and the receiver. With regard to claim 16, it is clear from the drawings and disclosure of Tamura et al. that the operations of the transmission system and receiver circuit must be enable by some circuit means during exchange slot. With regard to claims 24-32, one using the memory system of Tamura et al. would have performed the same steps set forth in claims 24-32.

### ***Response to Arguments***

The Applicant's arguments filed 10/14/2003 have been fully considered but they are not persuasive.

At the outset, the Applicant is reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re*



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*Yamamoto*, 740 F.2d 1569, 1571, 222 USPQ 934, 936 (Fed. Cir. 1984). The Applicant is also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification can not be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. Response to any limitations that are not in the claims or any arguments that are irrelevant and/or do not relate to any specific claimed language will not be warranted.

**The 112, 2<sup>nd</sup> paragraph rejection:**

Claims 1-16, as amended, do not contain terms lacking antecedent basis. However, the essential structural cooperative relationship(s) between the amended term “enabling circuit” and other recited elements have been still omitted.

**The Coyle et al. 102 rejection :**

With regard to claims 1-9, 17-23, and 33-39, the Applicant argued that Coyle et al. does not disclose “simultaneously transmitting” data over a common bus. Contrary to the Applicant’s argument, Coyle et al., col. 4, line 20, clearly discloses that “SB 12 is a synchronous, non-interlocked bus.” In another word, common bus SB 12 does not prevent operation (data transmission) of one device from interfering with another. Thus,



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in Coyle et al., it is clear that data is transmitted both way simultaneously within a bus cycle over a common bus.

**The Tamura 102 rejection:**

With regard to claims 10-16 and 24-32, the Applicant argued that Tamura et al. does not disclose "simultaneous bidirectional signaling on a common bus." It is first noted that the limitation, "for providing simultaneous bi-directional signaling" only presents in the preamble of independent claim 10. Such limitation cannot be found in independent claim 24 or any other dependent claims. It is also noted that a statement of intended use such as "for providing simultaneous bi-directional signaling on a common bus" in a preamble of claim 10 has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951). In any event, it is clear that in Tamura, signals travel "in opposite directions along the clock route" (see at least column 36, lines 65-66); the "forward and backward traveling clocks can be placed simultaneously on a single clock line (this condition is equivalent to producing a standing wave along the clock line" (see at least 37, lines 1-4). In another word, in Tamura, bi-directional signal is transmitted both way simultaneously.



**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.



Khanh Dang  
Primary Examiner